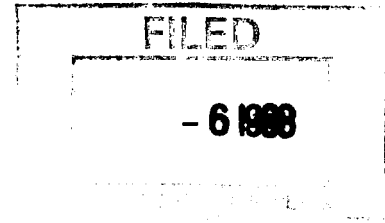


IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA

IN THE MATTER OF THE FORFEITURE )  
OF COLLATERAL IN LIEU OF APPEARANCE )  
IN CASES OF PETTY OFFENSES )



ORDER

The United States Attorney has submitted on behalf of the United States Department of Agriculture, Forest Service, a proposed bond and forfeiture schedule to be applicable to lands administered by the United States Forest Service in the State of North Dakota.

The Court has reviewed the proposed schedule and finds that it is within a range of comparable schedules approved for other agencies for comparable offenses.

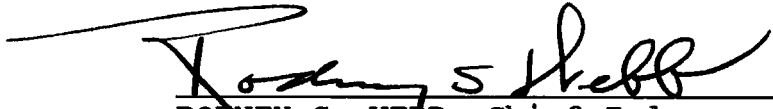
NOW, THEREFORE,


IT IS ORDERED that the Standing Order of this Court in the Matter of Forfeiture of Collateral in Lieu of Appearance in Cases of Petty offenses be, and hereby is, amended as to the schedule of cash payments that may be made in lieu of appearance for violation of regulations promulgated by the United States Department of Agriculture, Forest Service, law enforcement for real property managed in the State of North Dakota by the United States Department of Agriculture, Forest Service, a copy of which is attached as attachment A and made a part of this Order.

IT IS FURTHER ORDERED that a copy of this Order be made a part of the record of the Central Violations Bureau for the District of Colorado pertaining to the clerical, administrative,

and fiscal operation maintained on behalf of the District of North Dakota.

Dated October 5, 1993.

  
\_\_\_\_\_  
RODNEY S. WEBB, Chief Judge  
United States District Court

  
\_\_\_\_\_  
PATRICK A. CONMY, Judge  
United States District Court

TITLE 36 - CODE OF FEDERAL REGULATIONS

FOREST SERVICE

SUBPART A - GENERAL PROHIBITIONS - PART 261 - PROHIBITIONS

<u>SECTION</u>	<u>OFFENSE</u>	<u>DIST OF ND</u>
261.3	<u>Interfering with a Forest Officer, volunteer, or human resource program enrollee or giving false report to a Forest Officer.</u>	
	The following are prohibited:	
(a)	Threatening, resisting, intimidating, or interfering with any Forest Officer engaged in or on account of the performance of official duties in the protection, improvement, or administration of the National Forest System is prohibited. ....	\$300 *
(b)	Giving any false, fictitious or fraudulent report or other information to any Forest Officer engaged in or on account of the performance of official duties knowing that such report or other information contains false, fictitious or fraudulent statement or entry. ....	\$125 *
(c)	Threatening, intimidating, or intentionally interfering with any Forest Officer, volunteer, or human resource program enrollee while engaged in, or on account of, the performance of duties for the protection, improvement, or administration of the National Forest System or other duties assigned by the Forest Service. ....	\$300 *
	(42 FR 2957, January 14, 1977, as amended at 46 FR 33520, June 30, 1981; 49 FR 25450, June 21, 1984).	
261.4	<u>Disorderly Conduct</u>	
	The following are prohibited:	
(a)	Engaging in fighting. ....	\$75
(b)	Addressing any offensive, derisive, or annoying communication to any other person who is lawfully present when such communication has a direct tendency to cause acts of violence by the person to whom, individually, the remark is addressed. ....	\$100
(c)	Make statements or other actions directed toward inciting or producing imminent lawless action and likely to incite or produce such action. ...	\$100
(d)	Causing public inconvenience, annoyance, or alarm by making unreasonably loud noise. ....	\$100
	* If aggravated circumstances are present in this offense, see NOTE on last page.	

SECTION

OFFENSE

DIST OF ND

261.5

FIRE

The following are prohibited:

- (a) Carelessly or negligently throwing or placing any ignited substance or other substance that may cause a fire. .... \$100 \*
- (b) Firing any tracer bullet or incendiary ammunition. .... \$200
- (c) Causing timber, trees, slash, brush or grass to burn except as authorized by permit. .... \$100 \*
- (d) Leaving a fire without completely extinguishing it. .... \$100 \*
- (e) Allowing a fire to escape from control. .... \$100 \*
- (f) Building, attending, maintaining, or using a campfire without removing all flammable material from around the campfire adequate to prevent its escape. .... \$ 50

261.6

Timber and Other Forest Products

The following are prohibited:

- (a) Cutting or otherwise damaging any timber, tree or other forest product, except as authorized by permit, timber sale contract, Federal law or regulation. .... \$100 \*
- (b) Cutting any standing tree, under permit or timber sale contract, before a Forest Officer has marked it or has otherwise designated it for cutting. .... \$100 \*
- (c) Removing any timber or other forest product cut under permit or timber sale contract, except to a place designated for scaling, or removing it from that place before it is scaled, measured, counted, or otherwise accounted for by a Forest Officer. .... \$500
- (d) Stamping, marking with paint, or otherwise identifying any tree or other Forest product in a manner similar to that employed by Forest Officers to mark or designate a tree or any other forest product for cutting or removal. .... \$500
- (e) Loading, removing or hauling timber or other Forest product acquired under any permit or timber sale contract unless such product is identified as required in such permit or contract. .... \$100 \*

\* If aggravated circumstances are present in this offense, see NOTE on last page.

<u>SECTION</u>	<u>OFFENSE</u>	<u>DIST OF ND</u>
	(f) Selling or exchanging any timber or other Forest product obtained under free use pursuant to paragraph (e), (f), or (g) of 223.1. ....	\$200
	(g) Violating any timber export or substitution restriction in 223.160 through 223.164. ....	\$500
	(h) Removing any timber, tree, or other Forest product, except as authorized by Special Use Authorization, timber sale contract, Federal law, or regulation. ....	\$100 *
<u>261.7</u>	<u>Livestock</u>	
	The following are prohibited:	
	(a) Placing or allowing unauthorized livestock to enter or be in the National Forest System or other lands under Forest Service control. ....	\$100 *
	(b) Not removing unauthorized livestock from the National Forest System or other lands under Forest Service control when requested by a Forest Officer. ....	\$100 *
	(c) Failing to reclose any gate or other entry. ....	\$ 50
	(d) Molesting, injuring, removing, or releasing any livestock impounded under 262.10 while in the custody of the Forest Service or its authorized agents. ....	\$200
<u>261.8</u>	<u>Fish and Wildlife</u>	
	The following are prohibited to the extent Federal or State law is violated:	
	(a) Hunting, trapping, fishing, catching, molesting, killing or having in possession any kind of wild animal, bird, or fish, or taking the eggs of any such bird. ....	\$200 *
	(b) Possessing a firearm or other implement designed to discharge a missile capable of destroying animal life. ....	\$200
	(c) Possessing equipment which could be used for hunting, fishing, or trapping. ....	\$200
	(d) Possessing a dog not on a leash or otherwise confined. ....	\$ 25
<u>261.9</u>	<u>Property</u>	
	The following are prohibited:	
	(a) Damaging any natural feature or other property of the United States. ...	\$100 *

\* If aggravated circumstances are present in this offense, see NOTE on last page.

<u>SECTION</u>	<u>OFFENSE</u>	<u>DIST OF ND</u>
	(b) Removing any natural feature or other property of the United States. ...	\$100 *
	(c) Damaging any plant that is classified as a threatened, endangered, sensitive, rare, or unique species. ....	\$100
	(d) Removing any plant that is classified as threatened, endangered, sensitive, rare, or unique species. ....	\$100
	(e) Entering any building, structure, or enclosed area owned or controlled by the United States when such building, structure, or enclosed area is not open to the public. ....	\$200
	(f) Using any herbicide, pesticide or fungicide except for personal use for medical purposes or as an insect repellent or with permission for other minor uses. ....	\$200
	(g) Digging in, excavating, disturbing, injuring, destroying, or in any way damaging any paleontological, prehistoric, historic or archaeological resource, structure, site, artifact or property. ....	\$200 *
	(h) Removing any paleontological, prehistoric, historic, or archaeological resource, structure, site, artifact or property. ....	\$200 *

261.10      Occupancy and Use

The following are prohibited:

(a)	Constructing, placing, or maintaining any kind of road, trail structure, fence, enclosure, communication equipment, or other improvement on National Forest System Land or facilities without a Special Use Authorization, contract, or approved operation plan. ....	\$100 *
(b)	Taking possession of, occupying, or otherwise using National Forest System lands for residential purposes without a permit or as otherwise authorized by Federal law or regulation. ....	\$200 *
(c)	Selling or offering for sale any merchandise, conducting any kind of work activity or service unless authorized by Federal law, regulation, or permit. ....	\$100 *
(d)	Discharging a firearm or any other implement capable of taking human life, causing injury, or damaging property: (1) In or within 150 yards of a residence, building, campsite, developed recreation site or occupied area, or (2) across or on a Forest development road or a body of water adjacent thereto, or in any manner or place whereby any person or property is exposed to injury or damage as a result in such discharge. ....	\$200
(e)	Abandoning any personal property. ....	\$100 *

\* If aggravated circumstances are present in this offense, see NOTE on last page.

<u>SECTION</u>	<u>OFFENSE</u>	<u>DIST OF ND</u>
(f)	Placing a vehicle or other object in such a manner that it is an impediment or hazard to the safety or convenience of any person. ....	\$ 50
(g)	Posting, placing, or erecting any paper, notice, advertising, material, sign, or similar matter without a permit. ....	\$ 50
(h)	Operating or using in or near a campsite, developed recreation site, or over an adjacent body of water without a permit, any device which produces noise, such as a radio, television, musical instrument, motor or engine in such a manner and at such a time so as to unreasonably disturb any person. ....	\$ 75
(i)	Operating or using a public address system, whether fixed, portable, or vehicle mounted, in or near a campsite, developed recreation site, or over an adjacent body of water without a Special Use Authorization. ....	\$ 75
(j)	Use or occupancy of National Forest System Land or facilities without Special Use Authorization when such authorization is required. ....	\$100 *
(k)	Violating any term or condition of a Special Use Authorization, contract or approved operation plan. ....	\$100 *
(l)	Failing to stop a vehicle when directed to do so by a Forest Officer. ..	\$100
(m)	Failing to pay any special use fee or other charges as required. ....	\$100

261.11 Sanitation

The following are prohibited:

(a)	Depositing in any toilet, toilet vault, or plumbing fixture any substance which could damage or interfere with the operation or maintenance of the fixture. ....	\$100
(b)	Possessing or leaving refuse, debris, or litter in an exposed or unsanitary condition. ....	\$100 *
(c)	Placing in or near a stream, lake, or other water any substance which does or may pollute a stream, lake, or other water. ....	\$200
(d)	Failing to dispose of all garbage, including any paper, can, bottle, sewage, waste water or material, or rubbish either by removal from the site or area, or by depositing it into receptacles or at places provided for such purposes. ....	\$100 *
(e)	Dumping of any refuse, debris, trash or litter brought as such from private property or from land occupied under permit, except, where a container, dump or similar facility has been provided and is identified as such, to receive trash generated from private lands or lands occupied under permit. ....	\$150

\* If aggravated circumstances are present in this offense, see NOTE on last page.

SECTION

OFFENSE

DIST OF ND

261.12

Forest Development Roads and Trails

The following are prohibited:

- (a) Violating the load, weight, height, length or width limitations prescribed by State law, except by Special Use Authorization, written agreement, by order issued under 261.54, of this Chapter. .... \$100
- (b) Failing to have a vehicle weighed at a Forest Service weighing station, if required by a sign. .... \$100
- (c) Damaging and leaving in a damaged condition any such road, trail, or segment thereof. .... \$100
- (d) Blocking, restricting, or otherwise interfering with the use of a road, trail, or gate. .... \$100

261.13

Use of Vehicles Off Roads

It is prohibited to operate any vehicle off Forest Development, state or County roads:

- (a) Without a valid license as required by State law. .... \$ 50
- (b) Without an operable braking system. .... \$ 50
- (c) From one-half hour after sunset to one-half hour before sunrise unless equipped with working head and tail lights. .... \$ 50
- (d) In violation of any applicable noise emission standard established by any Federal or State agency. .... \$ 50
- (e) While under the influence of alcohol or other drug. .... \$300
- (f) Creating excessive or unusual smoke..... \$ 50
- (g) Carelessly, recklessly, or without regard for the safety of any person, or in a manner that endangers, or is likely to endanger, any person or property. .... \$100 \*
- (h) In a manner which damages or unreasonably disturbs the land, wildlife, or vegetative resources. .... \$100 \*
- (i) In violation of State law established for vehicles used off roads. .... \$ 75

\* If aggravated circumstances are present in this offense, see NOTE on last page.



SECTION

OFFENSE

DIST OF ND

261.14

Developed Recreation Sites

The following are prohibited:

- (a) Occupying any portion of the site for other than recreation purposes. . . \$ 75
- (b) Building, attending, maintaining, or using a fire outside of a fire ring provided by the Forest Service for such purpose or outside of a stove, grill or fireplace. .... \$ 75
- (c) Cleaning or washing any personal property, fish, animal, or food, or bathing or washing at a hydrant or water faucet not provided for that purpose. .... \$ \$ 50
- (d) Discharging or igniting a firecracker, rocket or other firework, or explosive. .... \$100 \*
- (e) Occupying between 10 p.m. and 6 a.m. a place designated for day use only. \$ 75
- (f) Failing to remove all camping equipment or personal property when vacating the area or site. .... \$ 75
- (g) Placing, maintaining, or using camping equipment except in a place specifically designated or provided for such equipment. .... \$ 50
- (h) Without permission, failing to have at least one person occupy a camping area during the first night after camping equipment has been set up. ... \$ 75
- (i) Leaving camping equipment unattended for more than 24 hours without permission. .... \$ 75
- (j) Bringing in or possessing an animal, other than a seeing eye dog, unless it is crated, caged, or upon a leash not longer than six feet, or otherwise under physical restrictive control. .... \$ 50
- (k) Bringing in or possessing in a swimming area an animal, other than a seeing eye dog. .... \$ 50
- (l) Bringing in or possessing a saddle, pack, or draft animal except as authorized by posted instructions. .... \$ 25
- (m) Operating or parking a motor vehicle or trailer except in places developed or designated for this purpose. .... \$ 25
- (n) Operating a bicycle, motorbike, or motorcycle on a trail unless designated for this use. .... \$ 50
- (o) Operating a motorbike, motorcycle, or other motor vehicle for any purpose other than entering or leaving the site. .... \$ 75

\* If aggravated circumstances are present in this offense, see NOTE on last page.

<u>SECTION</u>	<u>OFFENSE</u>	<u>DIST OF ND</u>
	(p) Distributing any handbill, circular, paper, or notice without a Special Use Authorization. ....	\$ 50
	(q) Depositing any body waste except into receptacles provided for that purpose. ....	\$100
<u>261.15</u>	<u>Admission, Recreation Use and Special Recreation Permit Fees</u>	
	Failing to pay any fee established for admission or entrance to or use of a site, facility, equipment or service furnished by the United States is prohibited. The maximum fine shall not exceed \$100. ....	\$ 50
<u>261.16</u>	<u>National Forest Wilderness</u>	
	The following are prohibited in a National Forest Wilderness:	
	(a) Possessing or using a motor vehicle, motorboat, or motorized equipment except as authorized by Federal Law or Regulations. ....	\$200
	(b) Possessing or using a hang glider or bicycle. ....	\$100
	(c) Landing of aircraft, or dropping or picking up of any material, supplies, or person by means of aircraft, including a helicopter. ....	\$500
<u>261.19</u>	<u>National Forest Primitive Areas</u>	
	The following are prohibited in any area classified as a National Forest Primitive Area on September 3, 1964:	
	(a) Landing of aircraft or using a motor boat, unless such use had become well established before September 3, 1964. ....	\$250
	(b) Possessing or using a motor or motorized equipment, except small battery powered, hand-held devices, such as cameras, shavers, flashlights, and Geiger-counters. ....	\$125
<u>261.20</u>	<u>Unauthorized Use of "SMOKEY BEAR" and "WOODSY OWL" Symbol</u>	
	(a) Manufacture, importation, reproduction, or use of "Smokey Bear" except as provided under 271.2, 271.3, or 271.4 is prohibited. ....	\$ 50
	(b) Manufacture, importation, reproduction, or use of "Woodsy Owl" except as provided under 272.2, 272.3, or 272.4 is prohibited. ....	\$ 50

\* If aggravated circumstances are present in this offense, see NOTE on last page.

<u>SECTION</u>	<u>OFFENSE</u>	<u>DIST OF ND</u>
261.21	<u>Wild-Free-Roaming Horses and Burros</u>	
	The following are prohibited:	
	(a) Removing or attempting to remove a wild, free-roaming horse or burro from the National Forest System unless authorized by law or regulation. ....	\$100
	(b) Causing or allowing the inhumane treatment or harassment of wild free-roaming horse or burro. ....	\$200
	(c) Removing or attempting to remove, alter or destroy any official mark used to identify a wild horse or burro or its remains unless authorized or permitted by law or regulation. ....	\$100
	(d) Violating any terms or conditions specified in a care and maintenance agreement or permit. ....	\$ 50

**\* If aggravated circumstances are present in this offense, see NOTE on last page.**

<u>SECTION</u>	<u>OFFENSE</u>	<u>DIST OF ND</u>
261.52	<u>Fire</u>	
	When provided by an order, the following are prohibited:	
	(a) Building, maintaining, attending or using a fire, campfire, or stove fire. ....	\$100 *
	(b) Using an explosive. ....	\$200
	(c) Smoking. ....	\$ 75
	(d) Smoking, except within an enclosed vehicle or building, a developed recreation site, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable material. ....	\$ 75
	(e) Going into or being upon an area. ....	\$100
	(f) Possessing, discharging or using any kind of firework or other pyrotechnic device. ....	\$100 *
	(g) Entering an area without any firefighting tool prescribed by the order. ....	\$ 50
	(h) Operating an internal combustion engine. ....	\$100
	(i) Welding, or operating an acetylene or other torch with open flame. ....	\$150
	(j) Operating or using any internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order meeting either: (1) Department of Agriculture, Forest Service Standard 5100-1a; or (2) Appropriate Society of Automotive Engineers(SAE) recommended practice J335(b) and J350(a). ....	\$100
	(k) Violating any State law specified in the order concerning burning, fires or which is for the purpose of preventing, or restricting the spread of fires. ....	\$100 *
261.53	<u>Special Closures</u>	
	When provided in an order, it is prohibited to go into or be upon any area which is closed for the protection of:	
	(a) Threatened, endangered, rare, unique, or vanishing species of plants, animals, birds or fish. ....	\$ 75
	(b) Special biological communities. ....	\$ 75
	(c) Objects or areas of historical, archaeological, geological, or paleontological interest. ....	\$ 75
	* If aggravated circumstances are present in this offense, see NOTE on last page.	

<u>SECTION</u>	<u>OFFENSE</u>	<u>DIST OF ND</u>
	(d) Scientific experiments or investigations. ....	\$ 75
	(e) Public health or safety. ....	\$100 *
	(f) Property. ....	\$100
261.54	<u>Forest Development Roads</u>	
	When provided by an order, the following are prohibited:	
	(a) Using any type of vehicle prohibited by the order. ....	\$200
	(b) Use by any type of traffic prohibited by the order. ....	\$100
	(c) Using a road for commercial hauling without a permit or written authorization. ....	\$100
	(d) Operating a vehicle in violation of the speed, load, weight, height, length, width, or other limitations specified by the order. ....	\$ 65 *
	(e) Being on the road. ....	\$100
	(f) Operating a vehicle carelessly, recklessly, or without regard for the rights or safety of other persons or in a manner or at a speed that would endanger or be likely to endanger any person or property. ....	\$200 *
261.55	<u>Forest Development Trails</u>	
	When provided by an order, the following are prohibited:	
	(a) Being on the trail. ....	\$ 75
	(b) Using a bicycle or motorized vehicle. ....	\$ 75
	(c) Possessing or using a saddle, pack, or draft animal. ....	\$ 50
	(d) Shortcutting a switchback. ....	\$ 50
261.56	<u>Use of Vehicles Off Forest Development Roads</u>	
	When provided by an order, it is prohibited to possess or use a vehicle off Forest development roads. ....	\$100 *
261.57	<u>National Forest Wilderness</u>	
	When provided by an order, the following are prohibited:	
	(a) Entering or being in the area. ....	\$100

\* If aggravated circumstances are present in this offense, see NOTE on last page.

<u>SECTION</u>	<u>OFFENSE</u>	<u>DIST OF ND</u>
	(b) Possessing camping or pack-out-fitting equipment, as specified in the order. ....	\$100
	(c) Possessing a firearm or firework. ....	\$100
	(d) Possessing any non-burnable food or beverage containers, including deposit bottles, except for non-burnable containers designed and intended for repeated use. ....	\$ 50
	(e) Grazing. ....	\$100
	(f) Storing equipment, personal property or supplies. ....	\$200
	(g) Disposing of debris, garbage, or other waste. ....	\$100
	(h) Possessing or using a bicycle, wagon, cart, or other vehicle. ....	\$100

261.58

Occupancy and Use

When provided by an order, the following are prohibited:

(a) Camping for a period longer than allowed by the order. ....	\$ 75 *
(b) Entering or using a developed recreation site or portion thereof. ....	\$ 50
(c) Entering or remaining in a campground during night periods prescribed in the order except for persons who are occupying such campgrounds. ....	\$ 75
(d) Occupying a developed recreation site with prohibited camping equipment prescribed by the order. ....	\$ 50
(e) Camping. ....	\$ 75
(f) Using a campsite or other area described in the order by more than the number of users allowed by the order. ....	\$ 75
(g) Parking or leaving a vehicle in violation of posted instructions. ....	\$ 25
(h) Parking or leaving a vehicle outside a parking space assigned to one's own camp unit. ....	\$ 25
(i) Possessing, parking or leaving more than two vehicles, except motorcycles or bicycles per camp unit. ....	\$ 35
(j) Being publicly nude. ....	\$ 50
(k) Entering or being in a body of water. ....	\$ 50

\* If aggravated circumstances are present in this offense, see NOTE on last page.

<u>SECTION</u>	<u>OFFENSE</u>	<u>DIST OF ND</u>
(l)	Being in the area after sundown or before sunrise. ....	\$ 50
(m)	Discharging a firearm, air rifle, or gas gun. ....	\$100
(n)	Possessing or operating a motorboat. ....	\$ 50
(o)	Water skiing. ....	\$ 50
(p)	Storing or leaving a boat or raft. ....	\$ 50
(q)	Operating any watercraft in excess of a posted speed limit. ....	\$ 50 *
(r)	Launching a boat except at a designated launching ramp. ....	\$ 50
(s)	Possessing or transporting a bird or animal. ....	\$ 50
(t)	Possessing or transporting any part of a tree or plant. ....	\$ 50
(u)	Being in the area between 10 p.m. and 6 a.m. except a person who is camping or who is visiting a person camping in that area. ....	\$ 75
(v)	Hunting or fishing. ....	\$ 75
(w)	Possessing or transporting any motor or mechanical device capable of propelling a watercraft through water by any means. ....	\$ 50
(x)	Using any wheel, roller, or other mechanical device for the overland transportation of any watercraft. ....	\$ 50
(y)	Landing of aircraft, or dropping or picking up any material, supplies, or person by means of an aircraft, including a helicopter. ....	\$250 *
(z)	Entering or being on lands or waters within the boundaries of a component of the National Wild and Scenic Rivers System. ....	\$100
(aa)	Riding, hitching, tethering or hobbling a horse or other saddle or pack animal in violation of posted instructions. ....	\$ 50
(bb)	Possessing a beverage which is defined as an alcoholic beverage by State law. ....	\$ 75
(cc)	Possessing or storing any food or refuse as specified in the order. ....	\$ 50

**NOTE:** In the presence of aggravating circumstances, ie. where the result of a person's actions exceeds the bond OR when a serious threat exists to forest property, resources or personnel, an enhanced bond forfeiture of up to \$500 may be established with the approval of the Area Special Agent. An analysis of the violation and circumstances, including recidivism, must be conducted. Inappropriate demeanor by itself will not necessarily constitute aggravated circumstances.

=====  
**Mandatory Appearances:** Mandatory Appearances may only be required on offenses for which the bond is \$200 or more, and only with the approval of the Area Special Agent.